

**REMARKS**

Claims 1, 2, 4-8, 10, 11, 16 and 17 are currently pending in this application, of which claims 1 and 7 are in independent form.

No claims have been amended, canceled, or added.

**Summary of Examiner Interview**

Applicants express their appreciation for courtesies extended to their representative, James C. Larsen, in an in-person interview held March 17, 2009. In the interview, also attended by Examiner Christopher Findley and Supervisory Patent Examiner Thai Tran, Applicants' representative presented an overview of the claimed invention and features believed to be undisclosed by the applied prior art.

The examiners agreed that the references do not disclose at least:

- a) a “display device changing a number by which to divide the display area in accordance with a total number of the index images extracted from the moving image of a predetermined length”, and
- b) “if said total number of index images extracted from the moving image of a predetermined length exceeds a maximum, said regular interval is elongated such that said total number of index images extracted from the moving image of a predetermined length is equal to or less than said maximum”

as variously recited by claims 1 and 7. The examiners further agreed to favorably receive arguments similar to those presented in the Interview and to conduct a final search without requiring an RCE. The arguments are presented in detail below.

**Claim Rejections Under 35 U.S.C. § 103**

The Examiner rejects claims 1, 2, 4-8, 10, 11, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,016,596 issued to Itoh (hereinafter "Itoh"), and further in view of U.S. Patent Publication No. 2004/0128317 issued to Sull et al. (hereinafter "Sull"), and further in view of U.S. Patent No. 6,925,602 issued to Clapper (hereinafter "Clapper"). These rejections are respectfully traversed.

The Office Action concedes that Itoh does not disclose at least these features variously recited by claims 1 and 7:

... changing a number by which to divide the display area in accordance with a total number of the index images extracted from the moving image of a predetermined length,

wherein if said total number of index images extracted from the moving image of a predetermined length exceeds a maximum, said regular interval is elongated such that said total number of index images extracted from the moving image of a predetermined length is equal to or less than said maximum;

In the Response to Arguments section, the Office Action asserts, without reasonable support, that Sull and Clapper disclose these features. Applicants disagree.

In contrast to the above-identified features, Sull discloses that it is often “likely ... that there are many more ... images than can *comfortably* be displayed at once on the screen”. (Sull, paragraph [0163], emphasis added.) The indefinite and subjective term “comfortably” cannot reasonably anticipate or suggest to one of ordinary skill in the art that the “number by which to divide the display area” is changeable “in accordance with a total number of the index images extracted from the moving image of predetermined length”. Sull fails to disclose that division of the display area (screen) of the screen is changeable. As illustrated in Sull’s figures and implied in Sull’s specification, the number of images displayed on the screen does not change; images in excess of the displayed images are relegated to additional pages which must be navigated by the user. (See Sull, paragraph [0163].) Moreover, Sull does not disclose elongating the regular interval at which to extract images “if the total number of images extracted from the moving image ... exceeds a maximum.”

Clapper discloses a system and method in which a start time (Fig. 1, element 12), a time interval (i.e., length of a desired clip) (element 14), and number of representative frames (element 16) each have respective values which are either user-selectable or a default value is used. However, the user selectable and default values are not disclosed to change the number of divisions of the display area. As illustrated in Figure 1 of Clapper, there exists one scenario wherein the number of displayed frames corresponds directly to the number of frames selected, but Clapper provides no indication that such correspondence is typical.

Moreover, Clapper does not disclose that a selected or default number of frames in any way affects the arrangement or size of representative frames selected or any subset thereof. For instance, one of ordinary skill in the art is not taught how the representative frames are displayed when a user selects, say, thirteen frames or two hundred frames. Thirteen frames might easily be displayed in the sixteen frames illustrated in Clapper, Fig. 1, with three frames remaining empty. Similarly, two hundred frames may require a scrolling or paging function in order to view the frames in excess of sixteen. Clapper does not teach or suggest a method of displaying representative frames other than the use of sixteen display positions.

Furthermore, the “default number of frames” discussed by Clapper cannot reasonably be construed as a maximum limit of representative frames for display. Clapper certainly makes no suggestion or disclosure of such a feature, and, as discussed above, Clapper does not disclose that the number of display divisions is capable of being changed at all, much less that an image extraction interval is elongated in accordance with a maximum number. Combination with Sull (and/or Itoh) does not remedy this defect.

The Office Action also concedes, and Applicants agree, that “Itoh does not specifically disclose generating representative thumbnail image at a regular interval and dividing the display according to a total number of the indices images extracted.” (OA, page 4, last paragraph.)

Accordingly, Applicants submit that Itoh, Sull, and Clapper, together or in combination, do not disclose or render as obvious “changing a number by which to divide the display area in accordance with a total number of the index images extracted from the moving image of a predetermined length”. Applicants further submit that Itoh, Sull, and Clapper, together or in combination, fail to disclose or render as obvious that “if said total number of index images extracted from the moving image of a predetermined length exceeds a maximum, said regular interval is elongated such that said total number of index images extracted from the moving image of a predetermined length is equal to or less than said maximum”.

Accordingly, Applicants submit that independent claims 1 and 7 are in condition for allowance. Claims 2, 4-6, 8, 10, 11, 16, and 17 respectively depend from either claim 1 or claim

7, and are therefore believed to be in condition for at least the same reasons. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

### **CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James C. Larsen, Reg. No. 58,565, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

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